

# STATES OF JERSEY



## COMMITTEE OF INQUIRY INTO THE MANAGEMENT OF THE HEALTH AND SOCIAL SERVICES DEPARTMENT

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Lodged au Greffe on 9th September 2009  
by the Health, Social Security and Housing Scrutiny Panel

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

- (a) to agree that a Committee of Inquiry be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely the actions and effectiveness of the Management at Health and Social Services and other services available to vulnerable children;
- (b) to request the Health, Social Security and Housing Scrutiny Panel –
  - (i) to identify an appropriately qualified individual or organisation to be invited to undertake the investigation and to bring forward for approval by the States the names of a proposed Chairman and members;
  - (ii) to bring forward for approval by the States detailed terms of reference of the Committee of Inquiry.

**HEALTH, SOCIAL SECURITY AND HOUSING SCRUTINY PANEL**

## REPORT

During its recent Sub-Panel review: *Coordination of Services for Vulnerable Children (S.R.6/2009)*, the Health, Social Security and Housing (HSSH) Scrutiny Panel became aware of allegations concerning misconduct and incompetence within Management at the Department of Health and Social Services and other relevant services. The HSSH Scrutiny Panel proposes that a fully independent Committee of Inquiry be established to ascertain what, if any, factual basis exists for the aforementioned allegations.

It is essential that confidence is maintained in the Department of Health and Social Services, as well as in the Island's other services for vulnerable children, and this Inquiry would ensure that the facts are available to States Members and to the public.

### **Reasons for proposing a Committee of Inquiry**

The Panel's concern over the effective management of the Department of Health and Social Services and other relevant services stems from 2 sources: firstly, information that was supplied to the HSSH Sub-Panel during the aforementioned Scrutiny Review S.R.6/2009; secondly, information that has come to light following certain child protection cases that have recently come before the Royal Court.

During its review S.R.6/2009, the HSSH Sub-Panel considered evidence in the form of public and private hearings, as well as written submissions from several sources, which led it to the following Key Findings –

“The internal management structure and operation of the Children's Service must be reviewed as a matter of urgency.”;

and –

“There is an immediate need for a thorough and impartial investigation of alleged unprofessional behaviour among the senior management of Social Services and other Departments, which impact upon its work.”

During the course of the Review S.R.6/2009, the Sub-Panel's Chairman also received various items of correspondence that raised serious allegations of incompetence and misconduct among senior civil servants within the Department for Health and Social Services. While these items of correspondence have not been made public, the Sub-Panel feels that the issues they raise are of general concern and therefore warrant investigation by an independent body. The Sub-Panel has archived the correspondence in question, in order that it might be made available to any person or persons conducting a Committee of Inquiry into this matter.

Parallel to these concerns is information regarding vulnerable children that has come to light as a result of proceedings in the Royal Court, some of which seems to lend weight to the argument in favour of a Committee of Inquiry. A case in point would be [2009] JRC076. The case concerned a family of 7 children who had been left in the sole care of their father, following the death of the mother. The family had been known to the Children's Service since the birth of the eldest child, 21 years ago, and during that period there had been a total of 19 referrals to the Children's Service relating to, among other matters, sexual issues, domestic violence and the children being left at home alone. The (then) Deputy Bailiff made the following remarks –

“The guardian is critical of certain decisions of the Children’s Service in the past. She clearly finds it difficult to understand how it was thought appropriate for the children to be left in the sole care of the father following the mother’s death, notwithstanding the previous allegations of sexual and physical abuse by the father and the report of the psychologist Ms Emsley in 2005 to the effect that the father presented a risk to persons under the age of 18 and should not reside with children.”

### **Financial and manpower implications**

Before an appropriate body has been appointed and the scope and terms of reference of the Inquiry have been agreed, it will not be possible to supply a detailed estimate of the financial implications of the proposed Inquiry. What is, however, clear at this stage is that a Committee of Inquiry appointed to investigate this matter would require an allocation of at least 6 months in order to effectively discharge its duties. A similar timescale has been allocated to the organisation Verita in its Inquiry into the Death of Mrs. Elizabeth Rourke (P.76/2009). The cost of that Inquiry – in the region of £300,000 – is a likely benchmark for any work undertaken by a similar organisation following the agreement of this proposition.

A Committee of Inquiry normally requires the appointment or secondment of an officer on a part-time basis. It is estimated that the total cost should not exceed £30,000. Standing Order 150 states that the Minister for Treasury and Resources must direct how the expenses of a Committee of Inquiry are to be met, but the HSSH Scrutiny Panel would anticipate that the Minister will need to bring a Proposition to the Assembly seeking additional funding for this Inquiry.

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### **Re-issue Note**

This projet is re-issued because a change has been made on page 3 in relation to the name of a court case.